

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-MKM
(consolidated)

Hon. Judith E. Levy
Mag. Elizabeth A. Stafford

APPLICABLE TO ALL CASES

**VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC,'s
VEOLIA NORTH AMERICA, INC.'s, AND VEOLIA NORTH AMERICA,
LLC's MOTION FOR RELIEF FROM OBLIGATION TO SPECIFY
LOCAL COUNSEL PURSUANT TO LOCAL RULE 83.20(F)**

Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC ("VNA") move this Court to relieve VNA of the requirement to specify local counsel pursuant to Eastern District of Michigan Local Rule 83.20(f).

The local rule requires that:

A member of the bar of this court who appears as attorney of record in the district court and is not an active member of the State Bar of Michigan must specify as local counsel a member of the bar of this court with an office in the district. Local counsel must enter an appearance and have the authority and responsibility to conduct the case if non-local counsel does not do so. On

application, the Court may relieve an attorney who is not an active member of the State Bar of Michigan of the obligation to specify local counsel..

Eastern District of Michigan Local Rule 83.20(f).

In applying this rule, Courts in this district have pointed to several purposes of requiring local counsel: “[p]hysical proximity and accessibility for case preparation events (e.g., depositions) is one; ready availability to the court for conferences or hearings is another; familiarity with the Local Rules and the local legal culture is yet another.” *Belle v. Sunbeam Prod., Inc.*, No. 09-CV-13902, 2009 WL 3757059, at *1 (E.D. Mich. Nov. 9, 2009).

The rule specifically states, however that “[o]n application, the court may relieve an attorney who is not an active member of the State Bar of Michigan of the obligation to specify local counsel.” *Id.* In allowing such motions, factors that are considered include the attorneys’ experience, the nature of the complaint, and the ability of the Court and the parties to conduct video conferences and hearings.” *See, e.g., Trustees of Iron Workers Defined Contribution Pension Fund v. Next Century Rebar, LLC*, No. 21-CV-13041, 2022 WL 90848, at *1 (E.D. Mich. Jan. 7, 2022).

VNA respectfully requests that the Court exercise its authority to relieve the local counsel requirement. Since 2017, VNA’s local counsel has been Attorney Cheryl Bush (and her colleagues) at the Bush Seyferth PLLC law firm in Michigan. At the March 22, 2023 discovery conference, VNA informed the Court that Attorney

Bush is expected to retire in the near future. The Court directed VNA to bring a motion to relieve the requirement pursuant to Local Rule 83.20(f).

Counsel for VNA have been admitted in the Eastern District of Michigan for several years and have appeared before this court in the *In Re Flint Water Cases* alongside local counsel since 2017. In addition to the nearly six years of responding to orders and appearing consistently before this Court in this matter, attorneys from the law firms Campbell, Conroy & O'Neil, P.C. and Mayer Brown LLP representing VNA in this matter have decades of experience practicing in federal court. Throughout the course of this litigation, counsel for VNA have become accustomed to and have consistently shown familiarity with the local rules in the Eastern District of Michigan in connection with the Flint Water Cases. The nature of the Flint Water Cases has resulted in other out of state counsel for many other parties taking the leading role in representing their clients in this matter and becoming accustomed to the Court's case handling and logistics as well as the local legal culture. Further, since the beginning of this litigation, counsel for VNA have regularly appeared at in-person status conferences and in-person depositions. Following the Covid-19 pandemic, the Court has now primarily held all status and discovery conferences remotely by Zoom, and has instituted a Remote Deposition Protocol Order that remains in place today and ensures accessibility of out of state counsel to continue to directly and intimately participate in the proceedings. Additionally, VNA

previously sought relief from the requirement to have local counsel attend scheduled appearances in the case (ECF No. 759, Mot. for Relief), and the Court granted that relief (ECF No. 760, Order Granting Relief).

Finally, VNA is currently represented in this case by counsel that is a member of the State Bar of Michigan and Eastern District of Michigan, Andrew S. Rosenman at Mayer Brown LLP. Although Mr. Rosenman does not maintain an office in this district, he is familiar with Michigan law and subject to the disciplinary rules of the State Bar of Michigan.

For all of these reasons, the undersigned counsel respectfully requests that this Court relieve VNA of the requirement to specify local counsel pursuant to Eastern District of Michigan Local Rule 83.20(f).

Pursuant to Local Rule 7.1, VNA sought concurrence from counsel for Plaintiffs and the LAN Defendants. At the time of filing, VNA only heard back from Attorney Corey Stern that he takes no position on the motion.

Respectfully submitted,

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Dated: March 23, 2023

CERTIFICATE OF SERVICE

I, Alaina N. Devine, one of the counsel of record for the VNA defendants, certify that I served the within motion on March 23, 2023, by causing it to be e-filed through the Court's CM/ECF electronic filing system which will automatically deliver electronic copies of it to counsel of record for all parties to have appeared in *In re Flint Water Cases*.

/s/ Alaina N. Devine

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